

Remarks

Claims 1-58 are pending in the application. Claims 13-58 are withdrawn from consideration pursuant to a restriction requirement. Claims 1-12 are rejected on the ground of double patenting.

The amendment to the specification is entered to correct of doses incorrectly quoted through typographical error as "mg/kg/day" to "mg/day". The person skilled in the art would recognize ("mg/kg/day") would result in grossly excessive doses (e.g. 1500 mg/kg would require a 105g dose for a 70kg human being) and would appreciate that mg/day was intended.

The examiner rejected claims 1-12 on the ground of non-statutory obviousness-type double patenting over claims 1, 3, 7, and 9-12 of U.S. Patent No. 6,638,928 and over claims 1-5 and 7-12 of U.S. Patent No. 6,864,251. The examiner provisionally rejected claims 1-12 on the ground of non-statutory obviousness-type double patenting over claims 1-18, 23, and 29 of pending U.S. Patent Application Serial No. 10/461,290, over claims 1-7, 9-13, 15 and 25-31 of pending U.S. Patent Application Serial No. 10/727,940, over claims 1-6, 8-12, 14-16, 23-25, 34 and 36 of pending U.S. Patent Application Serial No. 10/728,286, over claims 1, 2, 9-21, and 30-31 of pending U.S. Patent Application Serial No. 10/827,839, and over claims 1, 2, 9-22, and 31 of pending U.S. Patent Application Serial No. 10/781,422.

Without agreeing to the propriety of the aforementioned double patenting rejections, solely in order to expedite allowance of the application, the applicant enters herewith terminal disclaimers over U.S. Patent Nos. 6,638,928 and 6,864,251, and over pending U.S. Patent Applications Serial Nos. 10/461,290, 10/727,940, 10/728,286, 10/827,839, and 10/781,422.

Since the double patenting rejections were the only outstanding rejections, and the terminal disclaimers are effective to overcome the rejection, the grounds of rejection have been overcome and the application is now believed in condition for allowance.

An early action toward that end is therefore earnestly solicited.

Respectfully submitted,

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